

REMARKS

Applicant is in receipt of the Advisory Action mailed March 14, 2006. Applicant presents this amendment together with a Notice of Appeal and a Request for Pre-Appeal Brief Review and respectfully requests that the amendment be entered.

Claims 16, 71, and 87 have been amended to remove the negative limitations recited therein, thus rendering the Section 112 rejections for these claims moot. Applicant respectfully submits that the amendment places these claims in better form for appeal, and thus should be entered.

As argued in the response filed on February 27, 2006, Applicant respectfully disagrees with the Examiner's comments regarding the negative limitations previously recited in claims 16, 71, and 87. Applicant submits that the specification provides clear basis for those limitations. However, Applicant believes that the amended claims still adequately express their subject matter without the negative limitations. For example, claim 87 recites, "wherein said dynamically registering the first programmatic event causes the first portion of graphical code to execute in response to the first programmatic event being generated." It is clear that the first portion of graphical code does not execute before the first programmatic event is dynamically registered, since dynamically registering the first programmatic event is what causes the first portion of graphical code to execute in response to the first programmatic event being generated.

Applicant also notes that the Examiner has incorrectly characterized what the MPEP states regarding negative claim limitations. In the Advisory Action of March 14, 2006, the Examiner asserts that, "Negative limitations that exclude limitations must be positively and explicitly recited in the specification (MPEP 2173.05 (i))" (emphasis added). However, what section 2173.05 (i) actually states is that, "Any negative limitation or exclusionary proviso must have basis in the original disclosure." As argued in the response filed on February 27, 2006, Applicant respectfully submits that the specification does in fact provide basis for the negative limitations previously recited in claims 16, 71, and 87.

Thus, the MPEP states no requirement that negative limitations must be explicitly recited, but instead says that they must have basis in the original disclosure.

Furthermore, the MPEP also states, "Note that a lack of literal basis in the specification for a negative limitation may not be sufficient to establish a prima facie case for lack of descriptive support."

Applicant notes that claims 80 and 81 were rejected under Section 112 for similar reasons as claims 16, 71, and 87. Applicant has not amended these claims and respectfully submits that the specification provides clear basis for the limitations recited therein, as argued previously.

CONCLUSION

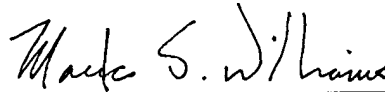
In light of the foregoing amendments and remarks, Applicant submits the application is now in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-58700/JCH.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

Respectfully submitted,



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Date: April 6, 2006 MSW/JLB